

0Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of
Leah Donovan
Respondent

Civil Citation No.75801
1662 Mussula Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 26, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-112, 115, 310, 312; 13-4-201(d), failure to clean up and remove all junk trash and debris in rear yard; failure to store all garbage in containers with lids on residential property known as 1662 Mussula Road, 21286.

On April 28, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 14, 2010 for removal of trash and debris, remove plywood, plastic tubs, metal frame, gutter section, paint cans, and proper storage of garbage in cans with tight lids. This Citation was issued on April 28, 2010.

B. Photographs in the file show junk and debris in the yard of this residential property, including an old section of gutter, plywood, a pile of metal pieces from a portable gazebo or awning frame, and paint cans. Photographs also show a garbage can containing garbage and trash, with no lid. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Notes in the file by Inspector Wood state that the inspector spoke with the owner at the initial inspection on April 14, 2010 and explained the code violations. However, re-inspections have found no improvement. Re-inspection on May 25, 2010 found the junk and debris still in the yard. This Citation will therefore be enforced. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by June 28, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer